

1 A Yes.

2 Q Now that wasn't your address at the time,
3 though, was it?

4 A No.

5 Q So the FCC sent it to the wrong address?

6 A That's right.

7 Q And do you remember any of the circumstances
8 here in terms of how long it took before you actually
9 got this letter?

10 A No, I don't.

11 Q Okay.

12 A I really don't. That address had been
13 already terminated and the forwarding had already been
14 -- and it was forwarded on to an address in Tennessee,
15 and then it had to come back. So it would have been,
16 instead of in April -- instead of in April, it would
17 have been probably in June sometime before I got it.

18 Q Okay. Do you recall that Mass Media Exhibit
19 21 was prepared in response to Mass Media Exhibit 20?

20 A Mass Media 21? Okay.

21 Q Now that is the entire letter. It is not
22 just the particular --

23 A The whole thing here?

24 Q Right, ma'am.

25 A You are talking about this?

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1 Q Right.

2 A Okay. That is in response to this letter?

3 Q Yes, ma'am.

4 A Yes, and I believe we filed a report stating
5 that our address had changed and that we were late with
6 this simply because that we had not received it because
7 it had been sent to the wrong address.

8 Q Right. So that would bring to mind that it
9 took longer than the 45 days noted in Mass Media 20
10 because this Mass Media 20 was sent to the wrong
11 address?

12 A Yes.

13 Q Okay. So the information in Mass Media 21,
14 does that help you recall when it was prepared?

15 A No, it does not, sir. I really don't know.
16 I had the records there, and when I got together with
17 our attorney, I really don't know. I cannot give you
18 the date when, the exact date.

19 Q Okay. You don't recall then whether you
20 prepared the information for Mrs. Piper either before
21 or after the two pages that you have there, pages 5 and
22 6, came to your attention?

23 A Honestly, I cannot say. I do not know. I
24 really don't. I don't recall if it was prepared before
25 or after. I really don't know.

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1 Q When you were preparing --

2 A Let me back that up. These was all written
3 out. Now whether I had -- what date I give them to Mr.
4 Dunne, I do not know.

5 Q Now did you compare the information that you
6 had with respect to a particular individual against
7 those individuals' complaints and then your records of
8 visits to that household?

9 A I tried to do that, yes.

10 Q Okay. Did you have any filing system? Or
11 how were your files organized so that you do that?

12 A The petitions were filed in alphabetical
13 order so that they could be gotten to.

14 Q So in other words, with respect to Mrs.
15 Piper, you could go to her name and all of her
16 petitions would be in one place?

17 A Yes, sir.

18 Q And it was from looking at those documents,
19 plus your memory, plus what else you would look, you
20 would then use to prepare a response?

21 A I wrote them up at the time of my visit and
22 attached them to the petition so that they would be
23 there.

24 Q So when you were preparing the response for
25 Mrs. Piper, you would simply go to that portion of the

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1 file and pull out the file copies that were there?

2 A Yes.

3 Q Now moving on to paragraph 14 -- let me get
4 those pages back.

5 A Yes.

6 Q Now with respect to the fire that is noted in
7 the antenna base, the statement that appears at the
8 bottom of page 11?

9 A Yes.

10 Q Did you receive any complaints that
11 corresponded with the fire and people describing to you
12 what happened with their television reception and how
13 it may or may not have been related to the antenna
14 fire?

15 A No.

16 Q Now with the removal of the antenna bay, you
17 had two bays at that point? Right? Or how many bays
18 did you have at that point?

19 A We had four bays to start with, sir.

20 Q A four-bay system?

21 A Uh-huh.

22 Q Okay. You took one down?

23 A Took two down.

24 Q You took two down?

25 A Uh-huh.

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1 Q And so were two left, or did you bring two
2 others up?

3 A They was taken down and repaired. And at one
4 time we ran just with two, at reduced power. For a
5 portion of time, we ran just with two bays at a reduced
6 power, which was all filed with the FCC and everything
7 done properly, as it should have done, through our
8 attorney. And we run at a reduced power. I don't
9 know. About 55 percent, I believe, for quite some
10 months, running at that on a two-bay.

11 Q Okay. So you went from -- you had a
12 100,000-watt effective radiated power with four bays.
13 Then there was one period or more than one period of
14 time that you were down to a two-bay system?

15 A It was one stretch of period of time there, I
16 believe, if I recall correctly.

17 Q And that was a rather substantial stretch of
18 time? For three, four or five months?

19 A Something. I don't know the length of time,
20 but it was a few, two or three months.

21 Q Now did you happen to observe any of the --
22 there is a reference in your testimony to spectacular
23 arcs. Now let me see if I can find exactly where that
24 is. It would be in the middle, about the middle of
25 page 12.

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1 A Yes.

2 Q Now when these spectacular arcs occurred, you
3 actually saw them? Right.

4 A Yes. The first one that I recall seeing was
5 someone called this in. I think it was someone out at
6 the Highway Patrol called and said, "You have got an
7 arc on your tower." And we, of course, went out
8 immediately to see about it, and it was just like a
9 white ball of fire. A big, bright, white light, I
10 should say.

11 Q Now at the time these arcs were taking place,
12 were you receiving any calls about blanketing
13 interference or interference of any kind? And did the
14 nature of those calls change as a consequence of the
15 arcing?

16 A I don't recall any. The arcing would only
17 last for a short -- if you caught it. Someone would
18 either call us or we would catch it ourselves.
19 Immediately you would turn the station off and the arc
20 would go out, and then you could turn it back on.

21 Q So to deal with it, you would turn the
22 transmitter off completely?

23 A Or you turn the power down. Or you could
24 turn the power down, either way, just enough to get the
25 fire out. And then you could go right. And you never

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1 | went below the 90 percent because you could do that and
2 | get the fire out. You would just --

3 | Q Okay. So you were at 100 percent effective
4 | radiated power. Arcing occurs. If you turn it down to
5 | 90, it would stop?

6 | A To 90 or 92, somewhere along in there. You
7 | could, you could -- the fire would go out.

8 | Q Okay. But you didn't have to turn it off
9 | entirely?

10 | A No.

11 | Q All right. Well, when you made that
12 | reference, that was just a misstatement?

13 | A Yes, right. Right. We would just turn it
14 | down and the fire would go out.

15 | Q And the arcing and the fire, is that supposed
16 | to be pretty much the same thing?

17 | A That's what I call the same thing. That's
18 | what they call them. They call them fires, but really
19 | it is just an arc. It is like someone using an
20 | acetylene torch with a bright, white light to it.
21 | That's what it looked like to me.

22 | Q Now did any arcs occur during the period of
23 | time that the station was operating, you know, at
24 | reduced power, in the 55 percent range that is
25 | referenced in your testimony here?

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1 A No, sir.

2 Q Okay. You could operate at two bays at 55
3 percent? You wouldn't have the arcs? Right?

4 A Yes.

5 Q Okay. It was only when you had all four bays
6 going and you were at 100 percent that these arcs would
7 occur?

8 A Well, it would occur at 97 and 98.

9 Q Okay. Was it related in any way to the
10 weather?

11 A When it was rainy or foggy or wet, well, that
12 seemed to be, trigger it.

13 Q Then how long after, or how many times did
14 these arcs occur before you made that connection
15 that --

16 JUDGE STIRMER: Mr. Shook, is there any issue
17 on this?

18 MR. SHOOK: Your Honor, I could maybe explain
19 outside the presence of the witness.

20 JUDGE STIRMER: All right, go ahead.
21 Continue. I just hope you have a purpose in mind in
22 pursuing all of this.

23 MR. SHOOK: Well, I am just about finished
24 with that anyway.

25 BY MR. SHOOK:

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1 Q Moving on to the last sentence, the last two
2 sentences, rather, of paragraph 14 -- or the last three
3 sentences, excuse me. Now when you switched, this is
4 talking about the switch from the four-bay to the
5 seven-bay antenna?

6 A Yes.

7 Q What is the basis for the last sentence that
8 you have there? Do you see the last sentence in
9 paragraph 14?

10 A Yes.

11 Q Okay. What is the basis for that sentence?

12 A We had an engineer to come out from over in
13 Illinois by the name of Don Markley. And he said when
14 he got it all fine-tuned -- you have to have it fine-
15 tuned when you put your antenna back up. And when he
16 said he had it all in tune, he said it should take care
17 of some of the RF that was directed toward the ground,
18 which would help FM blanketing. Now we noticed a
19 difference in our home on the telephone, on tape
20 players and things of that nature that we noticed a
21 difference on after the seven-bay went up.

22 Q Okay. What did you experience before, and
23 what did you experience after?

24 A We had voice on one telephone, which was a
25 little cheapie telephone, and we had one radio that had

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1 a tape player that the voice would come through on the
2 tape player. And it corrected both of those.

3 Q Now with respect to paragraph 15 and the
4 inspection of the station by Mr. Poole, is it correct
5 that prior to May of 1989 you had not been preparing
6 issues problems lists?

7 A That is correct.

8 Q And so you began that process immediately
9 after Mr. Poole's visit?

10 A Yes.

11 Q Now with respect to blanketing, would you
12 ever discuss with Mr. Poole what filters should be used
13 in order to deal with blanketing?

14 A I don't know that we discussed any specific
15 filters. We told him what we were using, and he didn't
16 make a comment either way whether that was the correct
17 filter or not.

18 Q Okay. Did Mr. Poole tell you what he had
19 seen in the houses of individuals that he had been in?

20 A No.

21 Q Moving on to paragraph 16, I would like to
22 direct your attention to Mass Media Exhibit No. 25.
23 Just take a brief look through it.

24 (Pause.)

25 Q Now do you recall receiving Mass Media

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1 Exhibit 25?

2 A Yes, sir.

3 Q And did you read it?

4 A Yes, sir.

5 Q You read through it in its entirety?

6 A Yes, sir.

7 Q Now if you would, just briefly take a look at
8 the attachments that appear beginning on page 5.

9 A Five? Yes.

10 Q Now when you received the attachments, did
11 they look like what is here, or were they different
12 somehow?

13 A I don't believe I understand the question,
14 sir.

15 Q Okay. Well, you see that, first of all, in
16 the left-hand margin there are a series of numbers.

17 A Yes. That was placed there by us.

18 Q That was placed there by you?

19 A Yes, on this. On this outside here, yes.

20 Q Right. The numbers?

21 A Are you talking about this page here, sir?

22 Q Yes, ma'am.

23 A Okay.

24 Q Page 5, where it shows for Charlie Agee the
25 number 10?

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1 A Yes.

2 Q Okay. And how about the numbers in the
3 right-hand margin?

4 A These numbers here, to my understanding, was
5 how they were listed with the FCC.

6 Q Okay. Now there is 1 through however many
7 there were?

8 A Not necessarily. I don't know how that --
9 that was on there, this one right here. These numbers
10 were there when we received them.

11 Q All right. The numbers in the right-hand
12 margin were there?

13 A Uh-huh. This one over here was done for our
14 purposes, to help us to keep track.

15 Q Okay. Now if you would, please, just take a
16 brief look at pages 5 through 18.

17 A Pages 5 through 18? Yes.

18 Q All right. Now moving back to page -- first
19 look at page 9.

20 A Page 9? Okay.

21 Q And now there are the numbers in the right-
22 hand margin?

23 A Uh-huh.

24 Q The last number being 97?

25 A Yes.

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1 Q All right. And that was the number that was
2 there when you got the exhibit? Correct?

3 A No, this side here was -- we wrote these
4 numbers in here.

5 Q Okay. That is what I was asking you about.

6 A Uh-huh.

7 Q Which numbers did you write in and which
8 numbers were already there?

9 A This was the FCC's numbers right here.

10 Q Okay.

11 A This is where they come here.

12 Q The left-hand margin's numbers were already
13 there?

14 A Yes, and this is what we wrote in for our
15 purposes, just keeping track.

16 JUDGE STIRMER: In the right-hand?

17 THE WITNESS: Yes, sir, in order just to keep
18 track of where we were at and everything, had to have a
19 number.

20 BY MR. SHOOK:

21 Q All right. Then so moving on to page 10.

22 A Ten? All right.

23 Q Okay. Looking at the right-hand margin,
24 there appear to be two sets of numbers, one of which
25 looks like it is crossed out?

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1 A Yes, and I think that is a mistake made in
2 counting and crossed out. That's the first numbers,
3 and put in the second set of numbers.

4 Q Okay. Now did you do this?

5 A I think this looks like an individual that
6 was helping me at that time.

7 Q All right. And so that is also the case with
8 pages 11 and 12?

9 A Yes. It was just a miscounting, and so they
10 had to -- they marked it out and come back with the
11 correct number that they wanted on there.

12 Q Okay. And that would also be the cases, you
13 know, up through page 17?

14 A Yes. It was just, like I said, they
15 miscounted and they came back and corrected it.

16 Q All right.

17 JUDGE STIRMER: Now what does this listing,
18 Appendix A, represent?

19 THE WITNESS: Are you asking me, sir?

20 JUDGE STIRMER: What does that represent?

21 THE WITNESS: This here? This was the
22 October 30, 1990, letter from the Commission that we
23 tried this --

24 JUDGE STIRMER: This was in order? This was
25 in order, right?

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1 THE WITNESS: Yes.

2 JUDGE STIRMER: All right. And what does
3 Appendix A represent?

4 THE WITNESS: Appendix A represented the
5 individuals that they considered living inside the
6 blanketing contour.

7 JUDGE STIRMER: And how many individuals did
8 that hold?

9 THE WITNESS: I don't remember right offhand,
10 sir. It's over 200.

11 JUDGE STIRMER: Over 200 people?

12 THE WITNESS: I was thinking it was over 200.

13 JUDGE STIRMER: That's 200 separate
14 households?

15 THE WITNESS: Yes, sir.

16 JUDGE STIRMER: And what does Appendix B
17 represent?

18 THE WITNESS: Appendix B represented those
19 outside the blanketing contour.

20 JUDGE STIRMER: Outside the blanketing
21 contour, but nevertheless alleging blanketing
22 interference?

23 THE WITNESS: Yes, sir. Well, that was just
24 all of them. We had to list every name that they had.
25 Every name that the FCC had had to be listed either

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1 Appendix A, Appendix B or Appendix C.

2 JUDGE STIRMER: All right. And what does
3 Appendix C represent?

4 THE WITNESS: Appendix C was, I guess, those
5 living further out. That's all I can remember.

6 JUDGE STIRMER: All right, thank you.

7 BY MR. SHOOK:

8 Q Okay. I would direct your attention to
9 page 3 of the exhibit.

10 A Three? All right.

11 Q Paragraph 5.

12 A Yes, sir.

13 Q Does that help with your recollection of what
14 Appendixes A, B and C were?

15 A No. I don't think paragraph -- in page 3 you
16 are talking about, sir?

17 Q Right, page 3.

18 A Paragraph 5?

19 Q Paragraph 5.

20 A That did not have anything to do with
21 Appendix A, Appendix B or Appendix C, to my
22 recollection.

23 Q Okay. Maybe we are not looking at the same
24 thing. I see references to Group A, Group B and Group
25 C.

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1 A What page? This is page 3.

2 JUDGE STIRMER: Page 3.

3 THE WITNESS: This is 5.

4 JUDGE STIRMER: Paragraph 5. That's
5 Footnote 5.

6 THE WITNESS: Oh, I'm sorry. Up here, I'm
7 sorry. Yes, I'm sorry. I was looking at Footnote 5.
8 Yes, I have read it.

9 BY MR. SHOOK:

10 Q Okay. And you understood from that what the
11 various groupings meant and what you were supposed to
12 do?

13 A Group A, Group B and Group C.

14 Q Okay. So when you look at paragraph 16 of
15 your testimony, do you have paragraph 16 of your
16 testimony there?

17 A Paragraph 16 in this?

18 Q Of your testimony, ma'am.

19 A I'm sorry, my testimony. I'm sorry. Okay.
20 When we boiled down, it was a visit up to 105 homes.

21 Q Okay.

22 A That is where the 105 comes in.

23 Q That is what you mean here?

24 A Out of Appendix A.

25 Q Right.

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1 A Yes, out of Appendix A.

2 Q The initial list was over 200?

3 A For Appendix A.

4 Q Right.

5 A The initial list altogether was what? Nine
6 hundred, I guess. Over nine hundred.

7 Q Okay. No, I am speaking in terms right now
8 of those homes that the FCC had ordered you to visit.

9 A Okay. It was 105 home visits out of those
10 approximately 200 or 202 or 203. I don't remember the
11 exact numbers. It was just a few over 200. The 105
12 was the ones that allowed us to come for a home visit.

13 Q Okay. Now do you recall the process by which
14 you determined, you know, who it was you would visit
15 out of that 220?

16 A We called them.

17 Q Okay.

18 A We contacted them. First, we sent them out a
19 certified letter with a map on it so that they could
20 locate their home on the map and then also with the
21 paper there that they could give us the information of
22 what kind of problems they were having.

23 Q Okay. I want to show you a document and ask
24 whether that is the document that you just referred to.
25 Okay. What is that you have there?

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1 A This here, sir?

2 Q Yes, ma'am.

3 A That is the letter that we sent out, the
4 certified letter that we sent out to everyone in
5 Appendix A.

6 Q Okay. Do you know who it was who handled the
7 mailing of the 220, or you know about 220 letters like
8 that?

9 A Well, are you talking about the actual
10 mailing or working them up or what?

11 Q Both.

12 A We all worked on that. There was a volunteer
13 lady that came in, and myself, and Mr. Stewart, of
14 course, carried them to the post office.

15 Q Okay. So that was a group effort on your
16 part?

17 A Yes.

18 Q Do you know how this questionnaire came to be
19 prepared?

20 A We just sat down and worked it up to what we
21 thought would be the information that we would need.

22 JUDGE STIRMER: Is that an exhibit in the
23 record?

24 MR. SHOOK: No. I would like to mark it as
25 such now, and I would ask permission to make

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1 photocopies. I haven't made photocopies of that one
2 yet.

3 JUDGE STIRMER: Very well.

4 MR. SHOOK: It is a one-page document that --

5 COURT REPORTER: Number 31?

6 MR. SHOOK: Yes.

7 JUDGE STIRMER: What is it entitled?

8 "Questionnaire"?

9 MR. SHOOK: At the top it reads, in print it
10 reads, "KOKS, P.O. Box 967, Poplar Bluff, MO, 63901."
11 It doesn't have a title as such.

12 JUDGE STIRMER: But it is the document
13 described by the witness as being a questionnaire sort
14 of document?

15 MR. SHOOK: Yes, Your Honor.

16 JUDGE STIRMER: All right. It will be marked
17 as Mass Media Bureau Exhibit No. 31 for identification.
18 You have leave to withdraw it to make copies for the
19 record for the parties.

20 MR. SHOOK: Thank you, Your Honor.

21 (The document was marked for
22 identification as Mass Media
23 Exhibit No. 31.)

24 BY MR. SHOOK:

25 Q Now, Mrs. Stewart, do I need to have this in

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1 -- do you want to give this back to you so that you can
2 look at it? I have some questions.

3 A Thank you.

4 Q Mrs. Stewart, do you know how this document
5 came to be prepared?

6 A I think we just sat down and worked it up.

7 Q Okay. And by "we" that is you and Mr.
8 Stewart?

9 A And probably two or three others there that
10 was in the station and kind of help us along with it.

11 Q Was Mr. Lampe involved in this process?

12 A No.

13 Q Now in preparing this document, was any
14 discussion had as to whether any questions should be
15 directed toward reception of FM radio?

16 A I don't, I don't recall.

17 Q Okay. There is nothing on this document that
18 asks about that, is there?

19 A I don't see it.

20 Q Okay. Is there anything on this document
21 that asks about the number of television sets that a
22 resident has?

23 A No. It could be written in.

24 Q Okay. Is there anything here that would
25 alert a homeowner that if he had a booster that he

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1 | could write in one place, "Well, yes, I have a booster
2 | and it is connected to one TV, but I have two other TVs
3 | that aren't connected to a booster"?

4 | A It is not specifically written out, no.

5 | Q Now beginning with the home visits that were
6 | made, apparently they were all made in 1991, early in
7 | 1991? Correct?

8 | A Yes, sir.

9 | Q Now other than a visit that Mr. Lampe had
10 | made in 1989 to the home of the Hillises, was this the
11 | first time that you had asked Mr. Lampe to do repair
12 | work for you relative to blanketing interference
13 | complaints?

14 | A In this 105 home visits?

15 | Q Yes, ma'am.

16 | A Yes.

17 | Q Now I notice from the form that there is a
18 | reference there to Channel 6 and that from what the
19 | station is telling the resident, that Channel 6 is
20 | outside the protected area. Right?

21 | A That is what we -- that was what we were told
22 | and what we believed.

23 | Q And yet you -- was it you who asked Mr. Lampe
24 | to find out about a filter that would do something for
25 | Channel 6?

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1 A No, it was not. No.

2 Q That was your husband? Right?

3 A That was not specifically, I don't think, for
4 Channel 6. We just decided that we had to have a
5 filter that would work better. And, to be honest with
6 you, nobody was going to be satisfied unless they got
7 Channel 6. We kept getting complaints about it, coming
8 back and back, because they did not receive Channel 6.

9 JUDGE STIRMER: These complaints that you
10 received from these people, did they indicate to you
11 that they had received Channel 6 pretty well before
12 your station went on the air?

13 THE WITNESS: Not from the petitions from the
14 FCC. I didn't see any of that nature.

15 JUDGE STIRMER: No. I mean the people who
16 called you.

17 THE WITNESS: The people who called me?

18 JUDGE STIRMER: They complained that they
19 couldn't get Channel 6?

20 THE WITNESS: Uh-huh.

21 JUDGE STIRMER: Did they tell you that they
22 were able to get Channel 6 before you went on the air
23 with KOKS?

24 THE WITNESS: They said that -- some of them
25 said they got it before, and they didn't tell me to

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1 | what extent they got it or what the reception was.

2 | JUDGE STIRMER: But they told you that they
3 | received it before?

4 | THE WITNESS: They told me -- some of them
5 | told me they received it; some did not.

6 | JUDGE STIRMER: All right, thank you.

7 | BY MR. SHOOK:

8 | Q Moving on to paragraph 17, or excuse me.
9 | With respect to the last sentence of paragraph 16, was
10 | it you or your husband who made the decision about
11 | purchasing 160 filters?

12 | A I think that was Mr. Stewart's because of the
13 | fact that that is only the funds that we had, was to
14 | just purchase the 160.

15 | JUDGE STIRMER: When you say that was all of
16 | the funds you had, as I understand your testimony, the
17 | station was taking in about \$195,000 a year.

18 | THE WITNESS: Yes, sir, but you have to --

19 | JUDGE STIRMER: How much were these filters?

20 | THE WITNESS: These filters from Microwave?
21 | Or you are talking about --

22 | JUDGE STIRMER: Yes. Well, the filters that
23 | you are referring to. How much were they?

24 | THE WITNESS: The filters we are referring
25 | here? I think we ordered about \$3,000 worth of those

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1 filters.

2 JUDGE STIRMER: How much were they each?

3 THE WITNESS: I don't recall the exact price
4 per each, but all in all I think we ordered \$3,000. I
5 would have to check my funds on that.

6 JUDGE STIRMER: You say you didn't have any
7 more funds to allocate to solving this problem with
8 respect to purchasing additional filters?

9 THE WITNESS: I'm just saying that at that
10 place and time, at that place in time we had only
11 ordered 160, was that that was all, because we had to
12 pay for them. We had to pay some money in advance and
13 then pay for the rest of them when they came in, and
14 that was all. You know, we didn't have the credit
15 established at that time.

16 JUDGE STIRMER: All right, Mr. Shook.

17 MR. SHOOK: Your Honor, to clarify the area
18 of your questioning, I would mark for identification as
19 Mass Media Exhibit No. 32. Your Honor, it consists of
20 nine pages, the first page of which looks like an
21 invoice from the Microwave Filter Company.

22 JUDGE STIRMER: Is there any date on it?

23 MR. SHOOK: There is a date in the left-hand
24 portion, but is partially blocked out. The only thing
25 that you can make out clearly is a "/91."

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